

RURAL MUNICIPALITY OF OAKVIEW

BY-LAW NO. 2015-15

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF OAKVIEW
TO REGULATE AND PROHIBIT THE MAKING OF NOISE WITHIN THE
L.U.D. OF RAPID CITY; THE L.U.D. OF OAK RIVER; AND
THE COMMUNITIES OF BASSWOOD AND CARDALE.**

WHEREAS The Municipal Act provides as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, mall and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to Section 233, activities or things in or on private property;
- (j) the sale and use of firecrackers and other fireworks, the use of rifles, guns and other firearms and the use of bows, arrows and other devices;
- (m) local transportation systems;
- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of by-laws

232(2) Without limiting the generality of subsection (1) a council may in a by-law passed under this Division:

- (a) regulate or prohibit;
- (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in a different way;

233 A by-law under clause 232(1)(c)(activities or things in or on private property) may contain provisions only in the respect of:

- (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

AND WHEREAS it is in the opinion of the Council of the Rural Municipality of Oakview that it is necessary to regulate and prohibit certain activities that are or could become a nuisance, which may included noise, weeds, odours, unsightly property, fumes and vibrations

THEREFORE BE IT RESOLVED that the council of the Rural Municipality of Oakview duly assembled enacts as a by-law the following:

- 1) That this By-Law shall be known as the "Noise By-Law"
- 2) Definitions:
 - a) "Chief Administrative Officer" mean the office administrator of the Rural Municipality of Oakview or his/her designate.
 - b) "Municipality" means the Rural Municipality of Oakview.
 - c) "Person" means a natural person, a partnership, a firm, a business, an associate, a credit union, a co-operative, a corporation or a municipality.
- 3) Prohibited Noises:
 - a) Except to the extent it is allowed by this By-Law, no person shall make, continue or cause to be made or continued and loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Municipality.

- b) Without limiting the generality of the foregoing, the noises hereinafter set forth and described are unnecessary and unusual noises which either annoy, disturb, endanger or detract from the comfort, repose, health, peace or safety of other persons within the limits of the Municipality and are therefore prohibited:
- i) The noises caused by the discharge or the firing of any sort of firecracker, grenade, fireworks or the operation of any sort of noise making device unless specially authorized in writing by the municipality;
 - ii) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle or other vehicle of whatsoever kind, except when required by law;
 - iii) The sound or noise from or created by any radio or phonograph or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such a manner or with such volume to enable it to be heard at a distance of 100 (One Hundred) feet;
 - iv) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle or other vehicle whatsoever or part or accessory thereof, except when such vehicle is being driven or towed for the purpose of being repaired or adjusted;
 - v) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger;
 - vi) The discharge into the open air of the exhaust of any steam engine or any machine or apparatus operated thereby, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud unnecessary or unusual noises;
 - vii) Any noise between the hour of 11:00 pm of any day and 7:00 am of the next following day from:
 - (a) any excavation or construction work whatsoever including the erecting, demolition, alteration or repair of any building; intermittent explosions occurring in the course or in connection with any manufacturing process, except in the case of urgent necessity and then only when authorized in writing by the municipality;
 - (b) The exaction, loading and hauling of gravel, except in the case of urgent necessity and then only when authorized in writing by the municipality;
 - viii) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker or other instrument or device or sound-producing, sound-reproducing or sound transmitting instrument or apparatus for the purposes advertising or for attracting attention to any performance, show or sale or display of goods, ware or merchandise or which projects the noise or sounds into any street or other public place unless used for the purpose of adverting some patriotic or other public object and unless authorized in writing by the municipality's Chief Administrative Officer;
 - ix) Crying, shouting or loud speaking creating or amounting to a public nuisance in or adjacent to any public street or place;
 - x) The sound or noise from or created by the squealing of tire or the operating of a motor vehicle with exhaust systems that do not comply with the provisions of the Highway Traffic Act or that may emit noise contrary to the provisions of this section
 - a) The sound or noise created from the use of engine retardant brakes within the L.U.D. of Rapid City; the L.U.D. of Oak River; and the Communities of Basswood and Cardale
 - xi) The excessive barking of a dog(s)

4) Permitted Noises:

- a) The operation of farm equipment involved in activities necessary to the operation of an agricultural enterprise;
- b) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable activity between the hours of 7:00 am of any day and 1:00 am of the next following day;
- c) Any military, organization or any parade operating under written permission first obtained from the municipality;

- d) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call;
- e) Any case of public convenience or necessity;
- f) The ringing of church or school bells;
- g) Any reasonable sounds or noises emanation from a manufacturing enterprise location within the Town limits

5) Penalties:

Any person violating any of the provisions of this by-law shall upon conviction before a Provincial Court Judge or Justice of the Peace, be liable to a penalty not exceeding \$500.00 (Five Hundred Dollars) and costs and in default of payment thereof to imprisonment in the common goal for a period of not exceeding 30 days unless the said penalty and costs are sooner paid.

DONE AND PASSED by the Council of the Rural Municipality of Oakview, duly assembled in Oak River, in the Province of Manitoba, this 11th day of August A.D. 2015.

signed by Brent Fortune
Brent Fortune, Reeve

signed by Diane Kuculym
Diane Kuculym, C.A.O.

Given First Reading this 25th day of June, 2015
Given Second Reading this 28th day of July, 2015
Given Third and Final Reading this 11th day of August, 2015